

## **IC 8-1-32**

### **Chapter 32. Water Wells**

## **IC 8-1-32-1**

### **Applicability of chapter**

Sec. 1. This chapter applies only to a subject area located entirely or partially within:

- (1) a city; or
- (2) a county having a consolidated city.

*As added by P.L.94-2000, SEC.2.*

## **IC 8-1-32-2**

### **Applicability of definitions**

Sec. 2. The definitions in IC 8-1-2-1 apply throughout this chapter.

*As added by P.L.94-2000, SEC.2.*

## **IC 8-1-32-3**

### **"Health agency" defined**

Sec. 3. As used in this chapter, "health agency" refers to either of the following:

- (1) The state department of health.
- (2) A local health department (as defined in IC 16-18-2-211).

*As added by P.L.94-2000, SEC.2.*

## **IC 8-1-32-4**

### **"Project" defined**

Sec. 4. As used in this chapter, "project" refers to the extension of water utility service to a subject area.

*As added by P.L.94-2000, SEC.2.*

## **IC 8-1-32-5**

### **"Subject area" defined**

Sec. 5. As used in this chapter, "subject area" refers to an area described in section 6 of this chapter.

*As added by P.L.94-2000, SEC.2.*

## **IC 8-1-32-6**

### **Contaminants in private water wells; estimate of cost of extending water utility service**

Sec. 6. (a) Notwithstanding IC 8-1-2-103(a), if a health agency determines that an area located within a city or within a county having a consolidated city:

- (1) is served by private water wells;
- (2) suffers from a health hazard due to the presence of at least one (1) contaminant; and
- (3) incorporates at least a portion of at least one (1) census tract or block having a median household income of less than two hundred percent (200%) of the most recently determined federal income poverty level;

the health agency may direct the nearest public utility that is authorized to provide water utility service within the municipality to prepare and provide to the commission an estimate of the cost of extending water utility service to the subject area and request the commission to approve the project.

(b) The costs estimated under subsection (a) may include the following:

- (1) Installing the mains and connecting service lines on properties within the subject area.
- (2) Abandoning and plugging existing wells in accordance with IC 25-39-2-14 and rules adopted under IC 25-39 on properties within the subject area.
- (3) Restoration of areas disturbed by the project.
- (4) Other reasonable costs of extending water utility service to the subject area.

*As added by P.L.94-2000, SEC.2.*

#### **IC 8-1-32-7**

##### **Public utility ordered to extend water utility service; rate adjustment**

Sec. 7. If the commission approves the project, the commission shall, at the request of the health agency, direct the local public utility to undertake and complete the project. The commission shall enter such an order only if both of the following apply:

- (1) The commission's order authorizes an increase in the local public utility's water rates in an amount sufficient to cover the local public utility's depreciation expense related to its investment in the project and provide the local public utility an after-tax return on the undepreciated portion of the project at a rate not less than the rate of return allowed the local public utility on its rate base in its most recent general rate order as:
  - (A) set out in the order; or
  - (B) stipulated by the local public utility and the office of the utility consumer counselor.
- (2) The rate adjustment associated with the project will not increase the local public utility's rates by more than one percent (1%).

*As added by P.L.94-2000, SEC.2.*

#### **IC 8-1-32-8**

##### **Rate adjustment in amended rate schedule**

Sec. 8. A rate adjustment authorized under section 7 of this chapter must be reflected in an amended rate schedule filed with the commission not later than thirty (30) days after the commission enters the order, effective upon completion of the project.

*As added by P.L.94-2000, SEC.2.*

#### **IC 8-1-32-9**

##### **Rate adjustment not general increase in basic rates and charges; subject to further adjustment**

Sec. 9. A rate adjustment authorized under section 7 of this chapter:

- (1) is not considered as a general increase in the local public utility's basic rates and charges for purposes of IC 8-1-2-42(a); and
- (2) may be further adjusted by the commission to reflect actual project costs upon petition by the local public utility or the office of the utility consumer counselor.

*As added by P.L.94-2000, SEC.2.*

#### **IC 8-1-32-10**

##### **Property owners required to abandon and plug wells**

Sec. 10. If the commission orders a project under this chapter, the health agency shall require owners of properties in the subject area to connect those properties to a project main and to abandon and plug their existing wells in accordance with IC 25-39-2-14 and rules adopted under IC 25-39.

*As added by P.L.94-2000, SEC.2.*

#### **IC 8-1-32-11**

##### **Maintenance responsibilities**

Sec. 11. (a) Upon completion of a project, the local public utility shall be responsible for operating and maintaining;

- (1) the mains installed; and
- (2) any portion of the connecting service lines that are located in a public right-of-way.

(b) Upon completion of a project, each property owner shall be responsible for maintaining, repairing, and replacing, if necessary, the portion of the service line on the property served that is not required to be serviced by the local public utility under subsection (a).

*As added by P.L.94-2000, SEC.2.*

#### **IC 8-1-32-12**

##### **Commission's jurisdiction not reduced or superseded**

Sec. 12. This chapter does not reduce or supersede the commission's jurisdiction under IC 8-1-2-86 and IC 8-1-2-86.5.

*As added by P.L.94-2000, SEC.2.*